

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**LABORATORY CORPORATION OF  
AMERICA, INC.,**

**Plaintiff,**

**v.**

**No. 19-cv-0495 SMV/KRS**

**SCOTT McMAHON, M.D. and  
WHOLE WORLD HEALTH CARE, P.C.,**

**Defendants.**

**ORDER SETTING PRETRIAL CONFERENCE AND NON-JURY TRIAL**

THIS MATTER is before the Court on a telephonic status conference held on February 2, 2021. The following settings and deadlines are hereby imposed.

A **Pretrial Conference** will be held on **May 24, 2021, at 9:30 a.m. MDT**, in a **courtroom to be determined in Albuquerque, New Mexico**. Lead trial counsel must be present for the Pretrial Conference. The parties need not be present.

The **Non-Jury Trial** will begin on **June 7, 2021, at 9:00 a.m. MDT**, and end no later than **June 11, 2021**, in a **courtroom to be determined in Albuquerque, New Mexico**.

Witness lists, designations of deposition testimony, exhibit lists and books of exhibits, and requested findings of fact and conclusions of law are due no later than **May 10, 2021**. The parties must confer about any disputes prior to filing objections. Objections are due no later than **May 17, 2021**.

The parties are encouraged, but not required, to submit trial briefs outlining basic legal theories, anticipated evidence in support of the theories, and the legal basis of any anticipated evidentiary disputes. The briefs are due no later than **June 1, 2021**.

**Witness Lists:** The parties shall file their witness lists, which must disclose both witnesses that the parties “will call” and witnesses that they “may call” at trial. Witnesses shall be listed in the order in which they will be called to testify at trial.

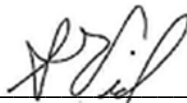
**Designations of Deposition Testimony:** The parties shall file designations of deposition testimony that they intend to use at trial. The designations must state the pages and lines of the deposition to be used. Counsel must submit copies of the depositions to my chambers by the due date above and must highlight the parts of the depositions that are to be used. Marking must comply with D.N.M.LR-Civ. 10.6. These requirements do not apply to cross-examination or rebuttal of a witness presented in person at trial.

**Exhibits:** The parties shall file one list of stipulated exhibits and separate lists of contested exhibits. Together, they shall also submit two books of marked exhibits to my chambers. The first book shall include exhibits that the parties stipulate to be admissible and shall be labeled consecutively. The second book shall include exhibits whose admissibility is contested and shall be labeled consecutively, beginning with the next sequential number after the final stipulated exhibit designation. For instance, if there are 50 stipulated exhibits, 20 contested plaintiff’s exhibits, and 20 contested defendant’s exhibits, the first notebook shall contain stipulated exhibits numbered 1 to 50. The second notebook shall contain plaintiff’s contested exhibits numbered 51 through 70 and defendant’s contested exhibits numbered 71 through 90.

**Requested Findings of Fact and Conclusions of Law:** The parties shall file requested findings of fact and conclusions of law. In addition, the requested findings of fact and conclusions of law should be emailed in Microsoft Office Word format to [vidmarproposedtext@nmd.uscourts.gov](mailto:vidmarproposedtext@nmd.uscourts.gov).

Parties should notify Information Systems Help Desk at 505-348-2110 by **June 1, 2021**, if they plan to use audio-visual or other courtroom technology during trial. Parties are responsible for operating this equipment during trial. Parties should be prepared to proceed without the equipment in the event it breaks or otherwise becomes unavailable. Trial time will not be utilized for resolving technology issues. Additionally, parties should notify chambers by **June 1, 2021**, if anyone whose presence is required for trial plans to bring electronic equipment into the courthouse. Parties must provide the names of the individuals, their role in the trial, and the type of equipment they will be bringing.

**IT IS SO ORDERED.**

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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**  
**Presiding by Consent**